

REMARKS

Applicant respectfully requests reconsideration. Claims 1-5 and 8-11 were previously pending in this application. By this amendment, Applicant is canceling claims 5 and 8 without prejudice or disclaimer. Claims 1, 2, and 11 have been amended. Claim 1 has been amended to indicate that the polypeptide that enhances solubility and/or prevents aggregation of the fusion protein is a glutathione S-transferase (GST) polypeptide and that the amyloidogenic polypeptide is a huntingtin polypeptide. Support for the amendments can be found at least in originally filed claims 8 and 5, respectively. Claim 1 has been amended to clarify the claim by deleting the term “amyloid-like” with reference to fibrils. Claim 11 has been amended to remove the language “preferably a mammalian cell” and “preferably a yeast and most preferably a *Saccharomyces* or *Aspergillus* cell”. These limitations have been removed from claim 11 and are included in new claims 24-27. New claims 28 and 29 have also been added. Support for the new claims can be found at least in the specification as filed at page 6, lines 26-28. As a result, claims 1-4, 9-11, and 24-29 are pending for examination with claim 1 being an independent claim. No new matter has been added.

Claim Format

Applicant recognized that the inclusion of the “preferably” language in claim 11 was improper. To correct the claim format, Applicant has amended claim 11 to remove the language “preferably a mammalian cell” and “preferably a yeast and most preferably a *Saccharomyces* or *Aspergillus* cell” from the claim and has included these limitations in new claims 24-27, which depend from claim 11. No new matter has been added.

Rejections under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 1-5 and 8-11 under 35 U.S.C. §112, first paragraph as lacking enablement.

The Examiner indicated at paragraph 4 of the Office Action that the specification is enabling for a composition comprising a fusion huntingtin protein, nucleic acid encoding such fusion protein vector and host cell containing that nucleic acid. Although not conceding that the specification fails to enable other amyloidogenic fusion proteins, in the interest of expediting allowance of the claims, Applicants have amended claim 1 to indicate that the fusion protein is a

huntingtin fusion protein and that the amyloidogenic (poly)peptide of such a fusion protein is a huntingtin (poly)peptide.

The Examiner indicated at Paragraph 8 of the Office Action that claims directed to compositions comprising fusion GST-HD protein nucleic acids encoding GST-HD vectors and host cells limited to GST-HD are considered free of prior art and enabled. Therefore, Applicant has amended claim 1 to indicate that the fusion protein is a glutathione S-transferase-huntingtin fusion (GST-HD) polypeptide.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-5 and 8-11 under 35 U.S.C. §112, first paragraph as lacking enablement.

The Examiner rejected claim 11 under 35 U.S.C. §112, first paragraph as lacking enablement with respect to the use of transgenic host cells in the claimed compositions. Applicant respectfully traverses the rejection.

With respect to claim 11, the Examiner indicates at page 4 final paragraph of the Office Action that use of the invention as claimed would “require undue experimentation on the part of one skilled in the art to discover how to make and use host cells of transgenic animals or plants in the claimed composition”. Applicant submits that the compositions of the invention do not require one to make transgenic cells but rather to simply use the cells. To one of ordinary skill in the art, the use of transgenic cells would not differ from the use of other types of cells as host cells. The use of host cells, including transgenic host cells, was routine for those of skill in the art at the time of filing, and the use of transgenic cells would not differ from the use of other types of cells as host cells. Thus, Applicant submits that the use of transgenic host cells in the compositions of the invention would not require undue experimentation.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 11 under 35 U.S.C. §112, first paragraph as lacking enablement.

Rejections under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 1-5 and 8-11 under 35 U.S.C. §112, second paragraph as indefinite.

The Examiner indicate at paragraph 5 of the Office Action, that the phrases “amyloidogenic (poly)peptide” and “amyloid-like fibrils or protein aggregates” is indefinite.

Applicant has amended claim 1 and replaced the word "amyloidogenic" with the word "huntingtin" and has removed the term "amyoid-like". Applicant submits that this amendment clarifies the meaning of the claim and obviates the basis for the indefiniteness rejection.

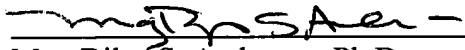
Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-5 and 8-11 under 35 U.S.C. §112, second paragraph as indefinite.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

Applicant hereby requests a one month extension of time, up to July 22, 2005, to respond. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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